

English Translation of Pertinent Portions of German Office Action Dated September 10, 2003 in
Counterpart German Application 102 58 651.9-33

In this action, the following references are cited for the first time. The numbering will apply for this and all further proceedings:

- (1) DE 37 39 826 A1
- (2) DE 693 29 919 T2
- (3) EP 0 054 781 B1
- (4) DE 196 45 162 C2
- (5) M. Schaldach, et al.: "Titannitrid-Herzschriftmacher-Elektroden." In: Biomedizinische Technik, vol. 34, 8/1989, pages 185-190.
- (6) J. Riedmüller, et al.: "Improvement of Stimulation and Sensing Performance of Bipolar Pacemaker Leads." In: IEEE, pages 1364-1365, 2/1992.

The examination is based upon the original documents with claims 1-26.

I.

[formal objection]

II.

A stimulation electrode according to the preamble of present claim 1 is known from publication (1). Further, it can be taken from this reference that the insulating ceramic layer is made of silicon nitride (see figures 2, 3, 4 and claim 14).

Claim 1 is thus not allowable on account of its subject matter lacking novelty. With that the stated use in claim 26 is also not allowable.

With claim 1 the dependent claims 2-18 are also not allowable.

III.

A process according to the related claim 19 is likewise known from publication (1) (see claim 15), so that claim 19 is not allowable on account of lack of novelty.

The further related claim 20 is not allowable on account of lacking inventive activity, since it is obvious for the skilled person that the formation of a silicon nitride layer, basically known from publication (1), results from a nitriding.

An inventive activity can also not be based on related claim 21, since a metal layer of titanium is also provided with the electrode according to publication (1), so that it does not exceed the average knowledge of the skilled person to form the provided ceramic layer by an oxidation, since he knows from publication (2) (see page 7, line 29) and from publication (3) (see col. 2, lines 31-37) the use of a titanium oxide layer.

The further related claims 22 and 23 likewise do not have the necessary inventive level, since a thermal oxidation of an electrode base member from tantalum to tantalum oxide is known from publication (3) (see figure 1) and a titanium nitride layer, whose conductivity can be adapted by sintering a body of titanium oxide, can be taken from publication (5) (see page 186), so that it remains within the realm of the skilled person's trade to also form the ceramic layer of publication (1) in this manner.

Along with claims 20-23, the dependent claim 24 is also not allowable, and an etching according to claim 25 is known from publication (1) (see claim 15).

Publications (4) and (6) further illustrate the state of the art.

IV.

It would be conceivable that a more concrete claim 1, for example according to one of the embodiments of figures 5-8 with a reference to the manufacturing process thereof, could lead to an allowable patent claim. The non-inventive process according to claims 20-23 could in this case represent advantageous formulations.

The applicant is therefore encouraged to file corresponding reworked claims.

A patent allowance is not possible with the present documents.

Examining group for class A 61 N
Dipl.-Ing. [Examiner] P. Huber
Telephone 4734

Enclosures: copies of 6 references